

Docket No. 192697US0PCT

"RESPONSE UNDER 37 CFR 1.116-
E DITED PROCEDURE EXAMINING
GROUP 17161"

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hirotoshi ISHIDA, et al.

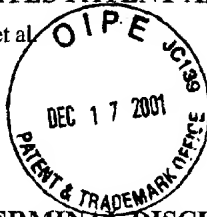
SERIAL NO: 09/581,180

FILED: July 14, 2000

FOR: GRANULAR SWEETENER

GROUP ART UNIT: 1761

EXAMINER: L. Wong



TERMINAL DISCLAIMER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

DEC 19 2001

TC 1700

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:


AJINOMOTO CO., INC. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 011734, frame(s) 0785.

AJINOMOTO CO., INC. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/581,181, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial No. 09/581,181, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

AJINOMOTO CO., INC. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/581,181 in the event that any said issued patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Stephen G. Baxter, Ph.D.
Registration No. 32,884

December 17, 2001
Date Signed

(OSMMN 7/98)

12/19/2001 CVD111 00000027 09581180

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Docket No. 192697US0PCT

IN RE APPLICATION OF: Hirotoshi ISHIDA, et al

SERIAL NO: 09/581,180

FILED: July 14, 2000

FOR: GRANULAR SWEETENER



"RESPONSE UNDER 37 CFR 1.116-
EXPEDITED PROCEDURE EXAMINING
GROUP 1761"

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TC 1700

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Transmitted herewith is an Amendment and Request for Reconsideration (w/attached Marked-Up Copy) in the above-identified application.

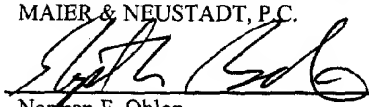
- ☐ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: Terminal Disclaimer

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	16	MINUS	20	0	× \$18 =	\$0.00
INDEPENDENT	1	MINUS	3	0	× \$84 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				+ \$280 = \$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment				+ \$40 = \$0.00
		TOTAL				\$0.00

- ☒ A check in the amount of **\$110.00** is attached.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon

Registration No. 24,618

Stephen G. Baxter, Ph.D.

Registration No. 32,884



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/00)

Declaration and Power of Attorney For Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

COPY

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の名称が複数の場合）であると信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled.

GRANULAR SWEETENER

上記発明の明細書は、

- ☐ 本書に添付されています。
- ☐ 〇月〇日に提出され、米国出願番号または特許協定条約国際出願番号を_____とし、
(該当する場合) _____に訂正されました。

the specification of which

- ☐ is attached hereto.
- ☐ was filed on _____
as United States Application Number or
PCT International Application Number
_____ and was amended on
_____ (if applicable).

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されたとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Japanese Language Declaration
(日本語宣言書)

私は、米国法典第35編119条 (a) - (d) 項又は365条 (b) 項に基づき下記の、米国外の国の少なくとも一カ国を指定している特許協力条約365 (a) 項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

Prior Foreign Application(s)
外国での先行出願

9/352728	JAPAN
(Number) (番号)	(Country) (国名)
(Number) (番号)	(Country) (国名)

私は、第35編米国法典119条 (e) 項に基づいて下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.) (出願番号)	(Filing Date) (出願日)
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私は、下記の米国法典第35編120条に基づいて下記の特許出願に記載された権利、又は米国を指定している特許協力条約365条 (c) に基づく権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先行米国出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

PCT/JP98/05236	20 November 1998
(Application No.) (出願番号)	(Filing Date) (出願日)

(Application No.) (出願番号)	(Filing Date) (出願日)
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私は、私自信の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じることに基づく表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣言を致します。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

22 December 1997	Priority Claimed 優先権主張
(Day/Month/Year Filed) (出願年月日)	<input checked="" type="checkbox"/> Yes はい
(Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/> No いいえ

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

(Status: Patented, Pending, Abandoned) (現況: 特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration
(日本語宣言書)

委任状：私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。
(弁理士、または代理人の指名及び登録番号を明記のこと)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

Norman F. Oblon, Reg. No. 24,618; Marvin J. Spivak, Reg. No. 24,919; C. Irvin McClelland, Reg. No. 21,124; Gregory J. Maier, Reg. No. 25,599; Arthur I. Neustadt, Reg. No. 24,854; Richard D. Kelly, Reg. No. 27,757; James D. Hamilton, Reg. No. 28,421; Eckhard H. Kuesters, Reg. No. 28,870; Robert T. Pous, Reg. No. 29,099; Charles L. Gholz, Reg. No. 26,395; William E. Beaumont, Reg. No. 30,996; Jean-Paul Lavalleye, Reg. No. 31,451; Stephen G. Baxter, Reg. No. 32,884; Richard L. Treanor, Reg. No. 36,379; Steven P. Weihrauch, Reg. No. 32,829; John T. Goolkasian, Reg. No. 26,142; Richard L. Chinn, Reg. No. 34,305; Steven E. Lipman, Reg. No. 30,011; Carl E. Schlier, Reg. No. 34,426; James J. Kulbaski, Reg. No. 34,648; Richard A. Neifeld, Reg. No. 35,299; J. Derek Mason, Reg. No. 35,270; Surinder Sachar, Reg. No. 34,423; Christina M. Gadiano, Reg. No. 37,628; Jeffrey B. McIntyre, Reg. No. 36,867; William T. Enos, Reg. No. 33,128; Michael E. McCabe, Jr., Reg. No. 37,182; Bradley D. Lytle, Reg. No. 40,073; and Michael R. Casey, Reg. No. 40,294, with full powers of substitution and revocation.

書類送付先

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FOURTH FLOOR,
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202 U.S.A.

直接電話連絡先：(名前及び電話番号)

Direct Telephone Calls to: (name and telephone number)

(703) 413-3000

単独発明者または第一の共同発明者の氏名	Full name of sole or first joint inventor <u>Hirotoishi ISHIDA</u>
発明者の署名 日付	Inventor's signature <u>Hirotoishi Ishida</u> Date <u>June 28, 2000</u>
住所	Residence <u>c/o Central Research Laboratories, Ajinomoto Co., Inc.,</u>
国籍	Citizenship <u>1-1, Suzuki-cho, Kawasaki-ku, Kawasaki-shi, Kanagawa-ken</u>
郵便の宛先	Post Office Address <u>210-0801 JAPAN</u> Citizenship: JAPAN
	Post Office Address: same as above
第二の共同発明者の氏名	Full name of second joint inventor, if any <u>Takeshi NAGAI</u>
第二の共同発明者の署名 日付	Second joint inventor's signature <u>Takeshi Nagai</u> Date <u>June 28, 2000</u>
住所	Residence <u>c/o Central Research Laboratories, Ajinomoto Co., Inc.,</u>
国籍	Citizenship <u>1-1, Suzuki-cho, Kawasaki-ku, Kawasaki-shi, Kanagawa-ken</u>
郵便の宛先	Post Office Address <u>210-0801 JAPAN</u> Citizenship: JAPAN
	Post Office Address: same as above

(第三以降の共同発明者についても同様に記載し、署名すること)

(Supply similar information and signature for third and subsequent joint inventors.)

Japanese Language Declaration
(日本語宣言書)

第三の共同発明者の氏名	Full name of third joint inventor, if any <u>Tadashi TAKEMOTO</u>
第三の共同発明者の署名 日付	Third joint Inventor's signature Date <u>Tadashi Takemoto June 28, 2000</u>
住所	Residence <u>c/o Central Research Laboratories, Ajinomoto Co., Inc.,</u>
国籍	Citizenship <u>1-1, Suzuki-cho, Kawasaki-ku, Kawasaki-shi, Kanagawa-ken</u>
郵便の宛先	Post Office Address <u>210-0801 JAPAN</u> Citizenship: JAPAN
	Post Office Address: same as above


第四の共同発明者の氏名	Full name of fourth joint inventor, if any <u>Yuichi SUZUKI</u>
第四の共同発明者の署名 日付	Fourth joint Inventor's signature Date <u>Yuichi Suzuki June 28, 2000</u>
住所	Residence <u>c/o Central Research Laboratories, Ajinomoto Co., Inc.,</u>
国籍	Citizenship <u>1-1, Suzuki-cho, Kawasaki-ku, Kawasaki-shi, Kanagawa-ken</u>
郵便の宛先	Post Office Address <u>210-0801 JAPAN</u> Citizenship: JAPAN
	Post Office Address: same as above

第五の共同発明者の氏名	Full name of fifth joint inventor, if any
第五の共同発明者の署名 日付	Fifth joint Inventor's signature Date
住所	Residence
国籍	Citizenship
郵便の宛先	Post Office Address

第六の共同発明者の氏名	Full name of sixth joint inventor, if any
第六の共同発明者の署名 日付	Sixth joint Inventor's signature Date
住所	Residence
国籍	Citizenship
郵便の宛先	Post Office Address

(第六またはそれ以降の共同発明者に対しても同様な情報および署名を提供すること。)

(Supply similar information and signature for third and subsequent joint inventors.)

Application Number 	Application No. 09/581,180	Applicant(s) ISHIDA ET AL.	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
INTERNAL DOCUMENT – DO NOT MAIL		

U.S. Patent and Trademark Office